



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,642	11/18/2003	Masayuki Takenaka	117215	2531
25944	7590	01/26/2006	EXAMINER	
OLIFF & BERRIDGE, PLC			LE, TAN	
P.O. BOX 19928			ART UNIT	
ALEXANDRIA, VA 22320			PAPER NUMBER	
			3632	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,642	Applicant(s) TAKENAKA ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) 7, 10, 15, 18 and 21-26 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6, 8, 9, 11-14, 16, 17, 19 and 20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the second office action for serial number 10/714,642. This application contains 26 claims numbered 1-26.

Election/Restrictions

2. Applicant's election with traverse of the invention of Group I, and the species of Figures 1-3 in the reply filed on 10/27/05 is acknowledged. The traversal is on the ground(s) that the subject matter of all claims 1-26 is *sufficiently related* that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims and "the search and examination of the entire application could be made without serious burden. This is not found to be persuasive because applicants have fail to show why the instant claims of Group I and Group II and the species of Figures 1-3 and the species of Fig. 4 are not patentably distinct and the reason why there is not a serious burden involves in the field of a search between two Groups of two separate status claims locate in two separate classes of classifications. Further, applicant's general allegation that species are "sufficiently related" is insufficient because applicant has failed to show why the instant species I is not patentably distinct over species II and provide the reason why there is not a serious burden in searches. If the species are not patentably distinct, the applicant should clearly admit this on the record.

Currently claims 1-6, 8-9, 11-14, 16-17 and 19-20 are readable to the elected species.

Claims 7, 10, 15, 18 and 21-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species and invention. Accordingly, the requirement is still deemed proper and is therefore made FINAL.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 11/18/03 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-9, 11-14, 16-17 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6, 8-9, 11-14, 16-17 and 19-20 are rejected because there is inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. Applicant is required to clarify

what the claim is intended to be drawn to i.e, either the vibration proof device alone or the combination of the vibration proof device and a control unit and the language of the claim be consistent with the intent. In formulating a rejection on the merits, the examiner is considering that the claim is drawn to the combination.

The words "immovably fixed" in claim 1 are words of relative meaning, words of degree. The words "immovably fixed" or even "fixed" alone can have many shades of meaning, from absolutely unchangeable to relatively unchangeable. See *Palmer v. mclamore*, Minneman & Dunn (CCPA) 105 USPQ 275 . The words "immovably fixed" or "fixed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. There is no evidence in the specification that one of ordinary skill in the art would understand the metes and bounds or boundaries of protection when the claim is read in light of the specification. For these reasons, claim 1 is rendered indefinite by the recitation that the power unit being "immovably fixed to the drive unit".

Claim 2 is also rendered indefinite for the same reasons as mentioned above, see the phrase of "the connection member is "immovably fixed" to the drive unit and the power unit.

Claims 4 and 12 are also indefinite for the same reasons expressed for claims 1 and 2, see " the casting is *fixed* to the drive unit to thereby making the power unit *immovable relative* to the drive unit".

Continuing to claims 6, 9, 14, 17, these claims are also indefinite for the same reasons expressed for claims 1 and 2. See "a control board *fixed* to a base" (claims 6, 9 and 14 and 17)

Fig. 3 describes as a control unit section, which includes a control unit (1), an inverter unit (2), capacitor (3), base (21) etc... In this case "a control unit" (1) as recited in claim 1, line 5 (is a double inclusion) should be changed to -- the control unit --

Claim 20 recites "the cylinder firing" (line 4) lacks of antecedent basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 11-13, 16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP No. 2001-119898 to Takenaka et al. in view of JP 2000032607 to Yamada.

As to claims 1-5, 8, 11-13, 16, 19-20, Takenaka et al teaches a vehicle drive unit comprising all the limitations as claimed except for a vibration proof mechanism being supported on the drive unit to support the control vibration of the control unit.

Yamada as best understood, teaches a vibration mechanism (elastic buffer mechanism) for effectively preventing the vibration of a driving system in a hybrid

Art Unit: 3632

vehicle, in which an internal combustion engine and a motor are linked with a driving system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a vibration proof mechanism on the drive unit to support the control unit so that the control unit can be improved as a whole in vibration resistance performance.

Note, with regarding claim 20, referring the vibration proof material having a resonance frequency, which is at least a primary frequency of a cylinder firing of the internal combustion engine and at most a resonance frequency of the control board is considered an obvious matter of design choice since the purpose of the vibration proof is to prevent and protect and improve as a whole in vibration resistance performance.

Allowable Subject Matter

7. Claims 6, 9 14 and 17 are rejected would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0124332 to Takenaka et al.

6,533,696 to Takenaka et al.

6,166,498 to Yamaguchi et al.

US 2005/0200061 to Nemoto

EP 1000790 to Yamaguchi et al.


The above patents disclose various types of driving apparatus in hybrid vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tan Le
Patent examiner
January 19, 2006.